



Sen. Iris Y. Martinez

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LRB097 17499 CEL 66532 a

1 AMENDMENT TO SENATE BILL 3279

2 AMENDMENT NO. _____. Amend Senate Bill 3279 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Roofing Industry Licensing Act is
5 amended by changing Sections 2, 5, and 11 as follows:

6 (225 ILCS 335/2) (from Ch. 111, par. 7502)

7 (Section scheduled to be repealed on January 1, 2016)

8 Sec. 2. Definitions. As used in this Act, unless the
9 context otherwise requires:

10 (a) "Licensure" means the act of obtaining or holding a
11 license issued by the Department as provided in this Act.

12 (b) "Department" means the Department of Professional
13 Regulation.

14 (c) "Director" means the Director of Professional
15 Regulation.

16 (d) "Person" means any individual, partnership,

1 corporation, business trust, limited liability company, or
2 other legal entity.

3 (e) "Roofing contractor" is one who has the experience,
4 knowledge and skill to construct, reconstruct, alter, maintain
5 and repair roofs and use materials and items used in the
6 construction, reconstruction, alteration, maintenance and
7 repair of all kinds of roofing and waterproofing as related to
8 roofing, all in such manner to comply with all plans,
9 specifications, codes, laws, and regulations applicable
10 thereto, but does not include such contractor's employees to
11 the extent the requirements of Section 3 of this Act apply and
12 extend to such employees.

13 (f) "Board" means the Roofing Advisory Board.

14 (g) "Qualifying party" means the individual filing as a
15 sole proprietor, partner of a partnership, officer of a
16 corporation, trustee of a business trust, or party of another
17 legal entity, who is legally qualified to act for the business
18 organization in all matters connected with its roofing
19 contracting business, has the authority to supervise roofing
20 installation operations, and is actively engaged in day to day
21 activities of the business organization.

22 "Qualifying party" does not apply to a seller of roofing
23 materials or services when the construction, reconstruction,
24 alteration, maintenance, or repair of roofing or waterproofing
25 is to be performed by a person other than the seller or the
26 seller's employees.

1 (h) "Limited roofing license" means a license made
2 available to contractors whose roofing business is limited to
3 ~~residential~~ roofing, ~~including~~ residential properties
4 consisting of 8 units or less.

5 (i) "Unlimited roofing license" means a license made
6 available to contractors whose roofing business is unlimited in
7 nature and includes roofing on residential, commercial, and
8 industrial properties.

9 (j) "Seller of services or materials" means a business
10 entity primarily engaged in the sale of tangible personal
11 property at retail.

12 (k) "Building permit" means a permit issued by a unit of
13 local government for work performed within the local
14 government's jurisdiction that requires a license under this
15 Act.

16 (Source: P.A. 95-303, eff. 1-1-08; 96-624, eff. 1-1-10.)

17 (225 ILCS 335/5) (from Ch. 111, par. 7505)

18 (Section scheduled to be repealed on January 1, 2016)

19 Sec. 5. Display of license number; building permits;
20 advertising.

21 (a) Each State licensed roofing contractor shall affix the
22 roofing contractor license number and the licensee's name, as
23 it appears on the license, to all of his or her contracts and
24 bids. In addition, the official issuing building permits shall
25 affix the roofing contractor license number to each application

1 for a building permit and on each building permit issued and
2 recorded.

3 (a-3) A municipality or a county that requires a building
4 permit may not issue a building permit to a roofing contractor
5 unless that contractor has provided sufficient proof that he or
6 she is licensed currently as a roofing contractor by the State.
7 Holders of an unlimited roofing license may be issued permits
8 for residential, commercial, and industrial roofing projects.
9 Holders of a limited roofing license are restricted to permits
10 for work on residential properties consisting of 8 units or
11 less.

12 (a-5) A person who knowingly, in the course of applying for
13 a building permit with a unit of local government, provides the
14 roofing license number or name of a roofing contractor whom he
15 or she does not intend to have perform the work on the roofing
16 portion of the project commits identity theft under paragraph
17 (8) of subsection (a) of Section 16-30 of the Criminal Code of
18 1961.

19 (a-10) A building permit applicant must present a
20 government-issued photo identification along with the building
21 permit application. Except for the name of the individual, all
22 other personal information contained in the government-issued
23 photo identification shall be exempt from disclosure under
24 subsection (c) of Section 7 of the Freedom of Information Act.
25 The official issuing the building permit shall maintain a copy
26 of the photo identification in the building permit file. It is

1 not necessary that the building permit applicant be the
2 qualifying party.

3 (b) (Blank).

4 (c) Every holder of a license shall display it in a
5 conspicuous place in his or her principal office, place of
6 business, or place of employment.

7 (d) No person licensed under this Act may advertise
8 services regulated by this Act unless that person includes in
9 the advertisement the roofing contractor license number and the
10 licensee's name, as it appears on the license. Nothing
11 contained in this subsection requires the publisher of
12 advertising for roofing contractor services to investigate or
13 verify the accuracy of the license number provided by the
14 licensee.

15 (e) A person who advertises services regulated by this Act
16 who knowingly (i) fails to display the license number and the
17 licensee's name, as it appears on the license, in any manner
18 required by this Section, (ii) fails to provide a publisher
19 with the correct license number as required by subsection (d),
20 or (iii) provides a publisher with a false license number or a
21 license number of another person, or a person who knowingly
22 allows his or her license number to be displayed or used by
23 another person to circumvent any provisions of this Section, is
24 guilty of a Class A misdemeanor with a fine of \$1,000, and, in
25 addition, is subject to the administrative enforcement
26 provisions of this Act. Each day that an advertisement runs or

1 each day that a person knowingly allows his or her license to
2 be displayed or used in violation of this Section constitutes a
3 separate offense.

4 (Source: P.A. 96-624, eff. 1-1-10; 96-1324, eff. 7-27-10;
5 97-235, eff. 1-1-12; 97-597, eff. 1-1-12; revised 9-30-11.)

6 (225 ILCS 335/11) (from Ch. 111, par. 7511)

7 (Section scheduled to be repealed on January 1, 2016)

8 Sec. 11. Application of Act.

9 (1) Nothing in this Act limits the power of a municipality,
10 city or county to regulate the quality and character of work
11 performed by roofing contractors through a system of permits,
12 fees, and inspections which are designed to secure compliance
13 with and aid in the implementation of State and local building
14 laws or to enforce other local laws for the protection of the
15 public health and safety.

16 (2) Nothing in this Act shall be construed to require a
17 seller of roofing materials or services to be licensed as a
18 roofing contractor when the construction, reconstruction,
19 alteration, maintenance or repair of roofing or waterproofing
20 is to be performed by a person other than the seller or the
21 seller's employees.

22 (3) Nothing in this Act shall be construed to require a
23 person who performs roofing or waterproofing work to his or her
24 own property, or for no consideration, to be licensed as a
25 roofing contractor.

1 (4) Nothing in this Act shall be construed to require a
2 person who performs roofing or waterproofing work to his or her
3 employer's property to be licensed as a roofing contractor,
4 where there exists an employer-employee relationship. Nothing
5 in this Act shall be construed to apply to the installation of
6 plastics, glass or fiberglass to greenhouses and related
7 horticultural structures, or to the repair or construction of
8 farm buildings.

9 (5) Nothing in this Act limits the power of a municipality,
10 city, or county to collect occupational license and inspection
11 fees for engaging in roofing contracting.

12 (6) Nothing in this Act limits the power of the
13 municipalities, cities or counties to adopt any system of
14 permits requiring submission to and approval by the
15 municipality, city, or county of plans and specifications for
16 work to be performed by roofing contractors before commencement
17 of the work.

18 (7) Any official authorized to issue building or other
19 related permits shall ascertain that the applicant contractor
20 is duly licensed before issuing the permit. The evidence shall
21 consist only of the exhibition to him or her of current
22 evidence of licensure.

23 (8) This Act applies to any roofing contractor performing
24 work for the State or any county or municipality. Officers of
25 the State or any county or municipality are required to
26 determine compliance with this Act before awarding any

1 contracts for construction, improvement, remodeling, or
2 repair.

3 (9) If an incomplete contract exists at the time of death
4 of a contractor, the contract may be completed by any person
5 even though not licensed. Such person shall notify the
6 Department within 30 days after the death of the contractor of
7 his or her name and address. For the purposes of this
8 subsection, an incomplete contract is one which has been
9 awarded to, or entered into by, the contractor before his or
10 her death or on which he or she was the low bidder and the
11 contract is subsequently awarded to him or her regardless of
12 whether any actual work has commenced under the contract before
13 his or her death.

14 (10) The State or any county or municipality may require
15 that bids submitted for roofing construction, improvement,
16 remodeling, or repair of public buildings be accompanied by
17 evidence that that bidder holds an appropriate license issued
18 pursuant to this Act.

19 (11) (Blank). ~~A municipality that requires a building~~
20 ~~permit or a county that requires a building permit may not~~
21 ~~issue a building permit to a roofing contractor unless that~~
22 ~~contractor has provided sufficient proof that he or she is~~
23 ~~licensed currently as a roofing contractor by the State of~~
24 ~~Illinois.~~

25 (Source: P.A. 89-387, eff. 1-1-96; 90-55, eff. 1-1-98.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".